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| 10/584,512   | 03/20/2007  | Hartmut S. Engel     | MFA-25402/04        | 4123             |
| 25006  | 7590        | 07/14/2009           | EXAMINER            |                  |
| GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C |             |                      |                     | ZETTL, MARY E    |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/584,512             | ENGEL, HARTMUT S.   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | MARY ZETTL             | 2875                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 May 2009.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 21-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 August 2007 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21, 22, 24, 27-31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempter (DE 44 43 916 C1) in view of Salzmann et al. (US 5,931,567 A).

Regarding claim 21, Kempter teaches a built-in lamp having an illuminant fitting and having a reflector (3), the reflector such that the reflector extends beyond the installation surface in a main direction of illumination (Figure 12) with a built-in lamp secured in the installation surface (not labeled, but shown as hatched in Figure 12), with the reflector being coupled in this region extending beyond the installation surface to a reflection surface to a reflection element (8) which extends transversely to the main direction of illumination and is spaced from the installation surface (Figure 12), the reflection element (8) is arranged outside the reflector (3) and is illuminated by light via the region lying between the installation surface and the reflection element (8) so that at least a portion of the light impinging the reflection element is reflected in a direction opposite from said main direction and against the installation surface thus illuminating the installation surface, wherein the light is provided by at least one of the reflector (3), which is made to be translucent or transparent (in the upper region, shown by the dashed lines) at least sectionally in its region extending between the installation surface and the reflection element (8) portion of the part-transparent area being located below the installation surface and above 8,

Figure 12), or an additional light discharge region which extends around an outer perimeter of the reflector (3) to surround the reflector (3) at least regionally so that the reflection element (8) is illuminated by a portion of the light (Figure 12).

Kempter does not disclose expressly a holder for fastening.

Salzmann et al. teaches a light fixture including a holder (21) for fastening.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art that a holder as taught by Salzmann et al. would have been provided in the invention of Kempter so that the light source was particularly placed and so that power was supplied to the light source.

Regarding claim 22, Kempter discloses the reflection element (8) is made as reflecting or as specularly reflecting (at least made reflecting as shown by dashed light paths in Figure 12) at its side facing the installation surface (hatched area shown in Figure 12).

Regarding claim 24, Kempter discloses the reflection element has transparent regions or openings (see dashed arrows passing through item 8 in Figure 12).

Regarding claim 27, Kempter discloses the additional light discharge region in a plane which coincides at least substantially with the plane of the installation surface or which extends perpendicular or obliquely to the plane of the installation surface (hatched area, meets both criteria as shown in Figure 12).

Regarding claim 28, Kempter discloses the inner space of the reflector (3) and the additional light discharge region being illuminated by a common illuminant (1, Figure 12).

Regarding claim 29, Kempter discloses the reflector (3) having a first reflector opening (the area around the label for 2 and 4, Figure 12) disposed in the main direction of illumination and a second reflector opening (dashed area of 3 being an opening for light) disposed opposite to the main direction of illumination, with an additional reflector (5) being associated with the second reflector opening (Figure 12).

Regarding claim 30, Kempter discloses a light passage region formed between the additional reflector (5) and the reflector (3).

Regarding claim 31, Kempter discloses the additional reflector (5) being formed at least partly by at least one planar or presetably curved (Figure 12) or kinked reflector surface which ensures a presettable division of the portion of the reflected light directed to the reflector (3) and to the additional light discharge region (in between 5 and 3).

Regarding claim 35, Kempter discloses the opening of the reflector is disposed in the main direction of illumination and is open (at least to light, Figure 12).

2. Claims 23, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempter (DE 44 43 916 C1) and Salzmann et al. (US 5,931,567 A) and further in view of Muggenburg (EP 1 033 530 A2).

Regarding claim 23, Kempter and Salzmann et al. do not disclose expressly the reflection element being made as a reflecting scattering plate for one portion of the incident light and as a light permeable scattering plate for another portion of the incident light.

Muggenburg teaches the reflection element being made as a reflecting scattering plate for one portion of the incident light and as a light permeable scattering plate for another portion of the incident light (see Figure 1, wherein 21a the prisms face up and 21b the prisms face down, thus creating one portion that is reflecting scattering and another portion which is permeable scattering).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Kempter and Salzmann et al. by making the reflection element a reflecting scattering plate for one portion of the incident light and as a light permeable scattering plate for another portion of the incident light as taught by Muggenburg for the purpose of creating the desired light output effect.

Regarding claim 33, Kempter and Salzmann et al. do not disclose expressly the additional reflector being made as specularly reflective or diffusely reflecting.

Muggenburg teaches the additional reflector being made as specularly reflective or diffusely reflecting (due to prisms on 21).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Kempfer and Salzmann et al. by making the additional reflector as specularly reflective or diffusely reflecting as taught by Muggenburg for the purpose of reducing glare.

Regarding claim 34, Kempfer and Salzmann et al. do not disclose expressly the additional reflector being made specularly reflecting or diffusely reflecting on its outer side.

Muggenburg teaches the additional reflector being made specularly reflecting or diffusely reflecting on its outer side (21 b; Figure 1).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have made the additional reflector of Kempfer and Salzmann et al. specularly reflecting or diffusely reflecting on its outer side as taught by Muggenburg for the purpose of reducing glare.

3. Claims 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempfer (DE 44 43 916 C1) and Salzmann et al. (US 5,931,567 A) and further in view of Baldwin (US 4,186,433 A).

Regarding claim 25, Kempfer and Salzmann et al. do not teach the reflection element being releasably connected to the reflector.

Baldwin teaches a reflection element (rim 1 lb) being releasably connected to the reflector (via item 13; Figure 1).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg and Salzmann et al. such that the reflection element was releasably connected to the reflector as taught by Baldwin so as to make surface of defective parts easier.

Regarding claim 40, Kempfer and Salzmann et al. do not disclose expressly teaches an elongated illuminant.

Baldwin discloses an elongated illuminant (1) being provided and its longitudinal direction of extent coincides with the main direction of illumination (A) or its longitudinal direction of extent extends perpendicular to the main direction of illumination (Figure 1).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have tried the use of an elongated illuminant in the invention of Kempfer and Salzmann et al. as taught by Baldwin for the purpose of creating the desired light output shape.

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kempfer (DE 44 43 916 C1) and Salzmann et al. (US 5,931,567 A) and further in view of Arumugusaamy (US 2003/0058652 A1).

Regarding claim 26, Kempfer and Salzmann et al. do not disclose expressly the reflection elements being arranged outside the reflector which have different sizes to one another.

Arumugusaamy teaches reflection elements (30) having different sizes to one another (paragraph 28).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Kempfer and Salzmann et al. such that the reflection elements had different sizes as taught by Arumugusaamy for the purpose of increasing the randomness of light paths and thus creating a more uniform and output with less glare.

5. Claims 32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempfer (DE 44 43 916 C1) and Salzmann et al. (US 5,931,567 A) and further in view of Jongewaard et al. (US 6,561,670 B1).

Regarding claim 32, Kempfer teaches the illuminant (1) and the reflector (3) are arranged in a housing (10).

Kempfer and Salzmann et al. do not disclose expressly the housing being lightproof and/or dustproof.

Jongewaard et al. teaches a lamp including a housing (formed of 42, 44, and 22) being lightproof and/or dustproof (col. 4, lines 36-41).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Kempfer and Salzmann et al. such that the housing was lightproof and/or dustproof as taught by Jongewaard et al. in order to prevent dust from entering the interior which would have adverse effects on the light output and have the potential for damaging / degrading the electrical components.

Regarding claim 36, Kempfer and Salzmann et al. do not disclose expressly the housing being terminated in a dustproof manner.

Jongewaard et al. teaches a lamp including a housing (formed of 42, 44, and 22) being lightproof and/or dustproof (col. 4, lines 36-41).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Kempfer and Salzmann et al. such that the housing was dustproof as taught by Jongewaard et al. in order to prevent dust from entering the interior which would have adverse effects on the light output and have the potential for damaging / degrading the electrical components.

6. Claims 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempfer (DE 44 43 916 C1) and Salzmann et al. (US 5,931,567 A) and further in view of Wedekind et al. (US 5,957,573 A).

Regarding claim 37, Kempfer and Salzmann et al. do not disclose expressly the reflector is released from the housing.

Wedekind et al. teaches the reflector being released from the housing (col. 2, lines 7-11).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Kempfer and Salzmann et al. such that the reflector was released from the housing as Wedekind et al. so as to make bulb replacements easier.

Regarding claim 39, Kempfer and Salzmann et al. do not disclose expressly the reflector being displaceably supported in the housing (10) in the main direction of illumination.

Wedekind et al. teaches the reflector being displaceably supported in the housing (col. 2, lines 7-11).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Kempfer and Salzmann et al. such that the reflector was displaceably supported in the housing as taught by Wedekind et al. so as to make bulb replacements easier.

7. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kempfer (DE 44 43 916 C1) and Salzmann et al. (US 5,931,567 A) and further in view of Heritage (US 3,833,803 A).

Regarding claim 38, Kempfer and Salzmann et al. do not disclose expressly the reflector being fastened by means of one of a releasable screw connection, magnet connection, clip connection, latch connection and bayonet connection.

Heritage discloses a reflector being attached by means of a releasable screw connection, magnet connection, clip connection, latch connection and bayonet connection (col. 2, lines 16-24).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to have modified the invention of Kempfer and Salzmann et al. such that the reflector was attached by means of a releasable screw connection, magnet connection, clip connection, latch connection and bayonet connection as taught by Heritage since such components are well known components in the art that function in a fastening capacity.

***Response to Arguments***

8. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Zettl whose telephone number is 571-272-6007. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MZ

/Mary Zettl/

/Sharon E. Payne/  
Primary Examiner, Art Unit 2875